FILED

MAR 09 2017

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY ______ DEP CLK

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America
v.
Jaime Carbajal-Sanchez
a/k/a "Jaime Sanchez"

Defendant(s)

Case No. 5:17-mj-1170-JG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 29, 2016 in the county of Wake in the Eastern District of North Carolina, the defendant(s) violated:

Code Section	*Offense Description*
8 U.S.C. § 1326(a)	The defendant, an alien, was found in the United States after having previously been denied admission, excluded, deported and removed from the United States on or about October 12, 2014, at Calexico, California, and not having obtained the express consent of the Attorney General, or his successor, the Secretary of Homeland Security, to reapply for admission thereto.

This criminal complaint is based on these facts:

please see attached affidavit

☑ Continued on the attached sheet.

Complainant's signature

Frederick Tarry, Deportation Officer, ICE

Printed name and title

On this day, Frederick Tarry appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this Complaint.

Date: 9 March 2017

Judge's signature

City and state: Raleigh, North Carolina

JAMES E. GATES, U.S. Magistrate Judge

Printed name and title

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

1. I, Frederick Tarry, having been duly sworn, do hereby depose and state: I am a Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), formerly known as the Immigration and Naturalization Service (INS), assigned to the Raleigh, North Carolina office. I have been employed by ICE for over 10 years since September 17, 2006. My duties routinely include the investigation of violations of the federal criminal statutes concerning immigration offenses, including the reentry of illegal aliens into the United States.

2. This affidavit is submitted as evidence of probable cause supporting the arrest warrant for Jaime Carbajal-Sanchez, also known as "Jaime Sanchez", (here after referred to as "CARBAJAL") for reentry by an alien previously deported, in violation of Title 8 U.S.C. § 1326(a). This affidavit does not set forth all information known to your affiant about this case and is being submitted for the purpose of providing sufficient information to establish probable cause.

3. In the course of investigating this matter, I have obtained information through law enforcement channels and the official Alien File (A-File) numbered A206 448 899. This file is maintained in the name of Jaime Carbajal-Sanchez and contains

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this individual's biographical information, family history, records of encounters with ICE, conviction records, photographs and fingerprints. Based on the review of this A-File, I have concluded that it does in fact pertain to the defendant in this matter.

4. The A-File reflects the following information relative to this individual:

a. CARBAJAL is a citizen and national of Mexico.

b. His date of birth is April XX, 1980 and his name is correctly reflected in this affidavit and the complaint to which it is attached.

c. CARBAJAL initially entered the United States unlawfully at an unknown place and date.

d. CARBAJAL was, on September 18, 2014, arrested by United States Border Patrol agents near Pearce, Arizona and identified by a voluntary sworn statement and biometric fingerprint match as a citizen of Mexico, with prior criminal history in North Carolina, who was not in possession of the necessary documents to enter, pass through, or remain in the United States.

g. CARBAJAL was, on October 12, 2014, removed from the United States to Mexico at Calexico, California.

h. CARBAJAL, of his own volition, reentered the United States on or after October 12, 2014, and did so without obtaining the express consent of the Attorney General, or his successor the Secretary of Homeland Security, to reapply for admission.

5. A search of ICE databases reveals that CARBAJAL did not seek permission of the United States Attorney General to re-enter as required by 8 U.S.C. § 1360(d). A certificate documenting this is expected within 30 days.

6. On October 29, 2016, CARBAJAL was arrested by the Raleigh Police Department in Wake County, North Carolina and charged with driving while impaired (DWI), in violation of N.C. Gen. Stat. § 20-138.1, driving while license revoked, in violation of N.C. Gen. Stat. § 20-28(a), and possession of cocaine, in violation of N.C. Gen. Stat. § 90-95(d). CARBAJAL was transported to the Wake County detention center where he was encountered by ICE officers. Fingerprints taken subsequent to that arrest and submitted to ICE and FBI databases returned a positive biometric match for CARBAJAL, an alien previously deported.

7. On January 27, 2017, CARBAJAL was convicted of DWI in

Wake County District Court, under case #16CR221296, sentenced to 9 months, and is currently in the Wake County detention center with an expected release date of March 13, 2017. An ICE detainer is in place.

8. Based on all of the foregoing, I, Frederick Tarry, believe that there is ample probable cause to conclude that Jaime Carbajal-Sanchez, also known as "Jaime Sanchez," is in fact guilty of illegal reentry into the United States by an alien previously removed, in violation of Title 8 U.S.C. § 1326(a) and respectfully ask that the Court issue a warrant ordering his arrest for such crime.

Further your Affiant sayeth not.

Frederick Tarry
Deportation Officer
Immigration & Customs Enforcement

On this 9 day of March, 2017 Deportation Officer Frederick Tarry appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this affidavit.

JAMES E. GATES
United States Magistrate Judge
Eastern District of North Carolina

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